

REMARKS

This reply is in response to the Office Action dated 10/06/05. In the Office Action, the Examiner has rejected claims 1-52 under the judicially created doctrine of obviousness-type double patenting over U.S. Patent Nos. 6,185,452; 6,164,284; 6,564,807; 6,315,721; and 6,208,894, each of which being issued to Schulman et al. and commonly assigned to the Alfred E. Mann Foundation for Scientific Research as is the present invention. The Examiner has noted that a terminal disclaimer would overcome these rejections. Applicants contend that a terminal disclaimer is not strictly necessary since all of the referenced patents (6,185,452; 6,164,284; 6,564,807) are within the priority chain recited in paragraph 1 of the application or are patents (6,315,721; 6,208,894) within a continuation-in-part priority chain of U.S. Patent No. 6,185,452 which is directly in the priority chain, and thus the expiration date of this application will correspond to the expiration date of the earliest patent to expire within the priority chain. However, in order to expedite prosecution, terminal disclaimers are included with this response. Additionally, the Examiner has rejected claim 1 and 8 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,411,535 to Fujii et al. (the Fujii patent). Accordingly, the specification, drawings, and the Examiner's comments have been closely reviewed and claims 1 and 3 have been amended and claims 2 and 4-7 have been deleted to more clearly recite the present invention. Following this amendment, claims 1-52 are pending. Reexamination and reconsideration are respectively requested.

The present amendments have incorporated the non-rejected subject matter of claims 2, 4, and 6 into the presently rejected independent claim 1 in a manner consistent with the allowable subject matter (following the included terminal disclaimers) of the other independent claims. Accordingly, independent claim 1 should now be allowable. Claims 2, 4, and 7 have been deleted without prejudice in that they are now superfluous to the amended claim construction. Dependent claim 8 further limits the scope of independent claim 1 and accordingly is likewise patentable.

In view of all of the foregoing, it is respectfully submitted that the pending claims 1-52 of the present application are allowable as amended and in conjunction with the included terminal disclaimer. Reexamination and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (661) 702-6700 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

10/11/05

Date



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